

ORDINANCE # 255

Snow/Ice Removal

AN ORDINANCE OF THE BOROUGH OF MILESBERG, amending Snow Removal Ordinance No. 165, enacted 4/18/61. The duties of the property owner or occupant to remove snow or ice from sidewalk and establishing penalties thereof:

Now therefore be it enacted and ordained, by the Council of the Borough of Milesburg and it is hereby enacted and ordained by authority of the same as follows:

Snow Removal from Sidewalk

- 1) Responsibility for Removal of Snow and Ice - It shall be the duty of the owners and occupiers of properties as hereinafter provided, and the owners of unoccupied lots along whose premises sidewalks have been laid, or may hereafter be laid under the authority of the Borough, to cause said paved sidewalks along their respective properties to be cleared to the width of said sidewalk of snow or ice within twenty-four (24) hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice; provided: the owner shall be responsible for conforming to the provisions of this section in the case of unoccupied property, or property occupied by him or a property containing more than one (1) dwelling or business unit; the occupant shall be responsible therefor in the case of property containing a single dwelling or business unit.
- 2) Responsibility of Owners of Multiple-Family Dwellings and Apartments - It shall be the duty of all owners of multiple-family dwellings or apartments to cause sidewalks leading from the said buildings to the street, parking lots, or other sidewalks located along the respective property to be cleared of snow or ice with twenty-four (24) hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice.
- 3) Responsibility for Dedicated Streets Prior to Acceptance - It shall be the duty of all owners of properties containing apartments or shall be the duty of all owners of properties containing apartments or multiple-family dwellings to cause dedicated paved streets along the respective properties to be cleared of snow or ice within twenty-four (24) hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice, which duty shall continue until said streets shall have been accepted as public right-of-way of the Borough.
- 4) Removal of Obstruction by Borough - In the case of vacant or unoccupied property of owners residing outside of the Borough; the Council President, Mayor or Health & Sanitation Committee Chairman may take action to have any ice and snow to be removed from said sidewalks without notice and collect the cost of the removal thereof from such non-resident owner or owners.

5) Continuation of Existing Regulations - The provisions of this Part shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of any ordinance or part thereof repealed in the Ordinance.

Penalty

1) Violations of Part 2, Sidewalks, Excepting Snow Removal from Sidewalks - Except as provided in (2) with regard to penalty for snow removal from sidewalks, any person, partnership, firm, association or corporations violating any provisions of this Part shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than three hundred, (\$300.00) dollars and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided, each day's continuance of a violation shall constitute a separate offense.

2) Violation of Snow Removal from Sidewalks - any person, partnership, firm, association or corporation violating any provision of "Snow Removal from Sidewalk," shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine as follows:

For violation within a snow season (October - April)

First violation	No fine, warning notice
Second violation	\$15.00 plus costs of prosecution
Third violation	\$30.00 plus costs of prosecution
Fourth violation	\$45.00 plus costs of prosecution
Fifth violation	\$60.00 plus \$15.00 for each violation after the fifth, up to a maximum of \$300.00 plus costs of prosecution

or in default of such fine and costs (regardless of the number of violations), to undergo imprisonment for not more than thirty (30) days. Provided, each day's continuance of a violation shall constitute a separate offense. Provided, the enforcement personnel of the Borough of Milesburg shall, within five (5) days of violation, issue a warning notice either by personal delivery, or by posting on the property. In each case, the notice shall contain the Section violated, the location where the violation took place, the name(s) of the property owners, and any other facts that might pertain to the circumstances attending the violation. The warning notice shall also contain instructions to the person, partnership, firm, association or corporation responsible for such violation that if the violation is not corrected within twenty-four (24) hours of the time on the warning notice, the Enforcement Officer will issue a notice of violation directing that the violation be corrected within twenty-four (24) hours of receipt of the notice, with the appropriate penalty noted on the notice. Failure to correct the violation within twenty-four (24) hours of the receipt of the violation notice will result in subsequent notices and appropriate fines for each violation as noted above.

In addition to such fines, the person, partnership, firm, association or corporation responsible for the violations shall be liable for costs should the Borough elect to correct it.

ENACTED INTO AN ORDINANCE, this 5th day of January,
¹⁹⁹⁸~~1997~~, by the Council of the Borough of Milesburg, in a lawful session assembled.

ATTEST:

BOROUGH OF MILESBURG

Paula J. Wall
Sec. - Treas.

By: James J. Kight
Council President

AND NOW, to wit this 5th day of January, ¹⁹⁹⁸~~1997~~, the
within and above Ordinance is approved.

Phyllis Jodon
Mayor of Milesburg Borough